

REMARKS

The Office Action of March 22, 2007, has been carefully reviewed, and in view of the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 1-3, 6 and 10-16 were rejected under 35 U.S.C. § 102(b) over Guidotti et al. (U.S. Patent 6,123,692). The rejection is respectfully traversed. Applicants gratefully acknowledge the indication that claims 4, 5, 7 and 8 patentably distinguish over the prior art of record.

The primary reference upon which the Examiner relies, Guidotti et al., is directed to an absorbent article having an upper acquisition layer 18, an intermediate storage layer 19 and a bottom liquid dispersion layer 20. The acquisition layer 18 includes a front part 18a having a smaller mean pore size than the rear part 18b such that liquid discharged to the front part of the receiving layer 18a will not spread to the rear part 18b, but will be transported immediately into the underlying storage layer 19. Col. 4, lines 24-31. A further advantage of the rear part 18b having a material with a large pore size is that it prevents rewetting from the underlying storage layer 19.

Despite the above description in Guidotti et al., the Examiner has taken an alternative interpretation that rear part 18b corresponds to the claimed fluid receiving layer, front part 18a corresponds to the claimed fluid distribution layer 18a, and storage layer 19 corresponds to the claimed storage layer. Even accepting the Examiner's interpretation for the sake of argument, Applicants respectfully submit that the recitations of claim 1 still are not met. Claim 1 requires that the liquid receiving layer be arranged "in direct or indirect fluid contact with the fluid distribution

layer and the fluid storage layer." Under the Examiner's interpretation of Guidotti et al., this limitation would require that there is fluid contact between the rear part 18b and both the front part 18a and the storage layer 19. Guidotti et al. describe the transfer of fluid from the front part 18a to the storage layer 19 and from the rear part 18b to the storage layer 19. The Examiner contends that since storage layer 19 is in contact with layer 18a and 18b, there is indirect fluid contact between layers 18a and 18b. Applicants respectfully disagree. Fluid contact, as understood by one skilled in the art, and as further explained in Paragraph [0050] of the specification requires fluid communication so that liquid can be transferred between the parts of the absorbent body. In Guidotti et al., there is no suggestion that fluid flows from the storage layer 19 back into the front part 18a or into the rear part 18b. Hence, there is no fluid communication between the rear part 18b and the front part 18a, either directly or indirectly, and they can not be said to be in fluid contact, as one skilled in the art would understand the meaning of fluid contact -- in contrast to mere direct or indirect physical contact, as the Examiner appears to have understood to be the same as that claimed.

As Guidotti et al. do not disclose or suggest each and every feature of claim 1, Guidotti et al. do not anticipate or render obvious the claim. Claims 2, 3, 6 and 10-17 recite additional features of the invention and are allowable for the same reasons discussed above and for the additional features recited therein.

Claim 18 recites, *inter alia*, that the absorbent core has a thickness in the opposite waist portion that is less than a thickness in the crotch portion and the one waist portion. In maintaining the rejection of claim 18, the Examiner relies upon Figures 4 and 5 of Guidotti et al. While Figures 4 and 5 illustrate a difference in

thickness of the acquisition layer 18 between the front part 18a and the rear part 18b, the overall thickness of the absorbent core, including layers 18, 19 and 20, remains constant in both the front and rear parts thereof. Accordingly, Applicants submit that claim 18 is not anticipated or rendered obvious by the teachings of Guidotti et al.

Claims 19 and 20 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 18 and for the additional features recited therein.

Claims 21 and 22 are similar to claim 1, but further define that the fluid distribution layer is in direct contact with the fluid receiving layer and the fluid storage layer. Under the Examiner's interpretation of Guidotti et al., this limitation requires that there is direct fluid contact between the rear part 18b and the front part 18a. As set forth above relative to claim 1, there is no direct fluid contact between part 18b and part 18a, and moreover, there is not even any direct physical contact therebetween. Accordingly, Guidotti et al. does not anticipate claims 21 and 22.

CONCLUSION

In view of the above remarks, Applicants respectfully submit that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should the Examiner believe that anything further is necessary to place the application in condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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